2nd Councilmanic District

* DEPUTY ZONING-COMMISSIONER * OF BALTIMORE COUNTY * Case No. 93-154-A

John Villanova, et ux Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, John and Carole Villanova, by and through their attorney, Michael E. Mari-The Petitioners request relief from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building line width of 70 feet in lieu of the required 80 feet, a side yard setback of 14.6 feet in lieu of the required 15 feet, and a side yard sum of 29.81 feet in lieu of the required 35 feet for an existing duplex unit, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were John and Carole Villanova, property owners, and Kim Villanova. The Petitioners were represented by Michael E. Marino, Esquire. Also appearing on behalf of the Petitioners was David S. Thaler, Professional Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 208 Slade Avenue, consists of 0.278 acres, zoned D.R. 5.5 and is improved with a one and one-half story brick dwelling with an accessory shed in the rear yard. The Petitioners testified that they recently purchased the subject dwelling. Testimony indicated that at the time of purchase, it was represented to the Petitioners that the subject dwelling had a second floor apartment. The computer listing, which was accepted into evidence as Petitioner's

Exhibit 2, demonstrates that the subject property was sold as a multidwelling unit, containing an apartment on the second floor. Testimony indicated that the reason the Petitioners purchased the subject property was so that they could reside in the home and have their son reside in the apartment on the second floor. In order for the Petitioners to use the property as a two-dwelling unit, the requested variances are necessary.

A letter of opposition was received from the adjacent property owner, Colonel Joseph Albert Majorique Lettre', dated December 6, 1992. Said letter was also signed by other residents along Slade Avenue and the surrounding neighborhood. None of the individuals who signed Mr. Lettre's letter appeared at the hearing. However, the letter was accepted into evidence as Protestant's Exhibit 1. Mr. Lettre' also submitted a copy of a letter he received from the Ralston Community Association, Inc., dated September 9, 1992, in which they indicate their opposition to the relief Naturally, the Protestants are concerned about the overcrowding of this particular parcel of land in the event the variances are granted for this two-family dwelling. Furthermore, the Protestants are concerned about the precedent, if any, the granting of this relief might set.

It was clear from the testimony presented by the Petitioners, and also clear by reading the letter from the Ralston Community Association, Inc., specifically, paragraph 4, that the Petitioners purchased the subject property in good faith and relied on the fact that there was a separate apartment on the second floor. The Petitioners merely wish to reside in the home and have their son reside in the second floor apartment. They seek this relief for themselves and have no intention of selling the property as a multi-family dwelling unit. The Petitioners specifically testified that in the event they do sell the property, it will be sold as a

- 2-

single family dwelling. Therefore, the relief granted herein shall be for and during the time that the Petitioners own the subject property and reside therein. The relief shall not be transferable, and shall terminate when the Petitioners cease to reside on the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular par-

- 3-

cel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of December, 1992 that the Petition for Zoning Variance requesting relief from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building line width of 70 feet in lieu of the required 80 feet, a side yard setback of 14.6 feet in lieu of the required 15 feet, and a side yard sum of 29.81 feet in lieu of the required 35 feet for a duplex unit, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein shall inure to the benefit of the Petitioners only and shall not be transferred, sold or leased to another party. In the event the Petitioners no longer reside on the property, the variances granted herein shall terminate and the dwelling shall be converted to a single family residence.
- 3) The second floor apartment shall be permitted to exist so long as it is occupied by a member of the Petitioners' immediate family.

- 4-

SASSIBLE FOR FILE

4) To insure that any future purchaser of this property will have notice that the subject property is to be sold as a single family dwelling, the Petitioners shall record a copy of this Order in the Land Records of Baltimore County. A copy of the recorded Order shall be forwarded to this office for inclusion in the case file.

> Deputy Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

December 29, 1992

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Michael E. Marino, Esquire 609 Bosley Avenue Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE N/S Slade Avenue, 67.5' E of the c/l of Ralston Avenue (208 Slade Avenue) 3rd Election District - 2nd Councilmanic District John Villanova, et ux - Petitioners Case No. 93-154-A

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Deputy Zoning Commissioner for Baltimore County

AN SAMPLE

TIMOTHY M. KOTROCO

cc: Col. J. Albert M. Lettre 206 Slade Avenue, Pikesville, Md. 21208-4922

Mr. Marvin Morrison, President Ralston Community Association 620 Military Avenue, Pikesville, Md. 21208

People's Counsel

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 208 Slade Avenue which is weenth -

The Partie of th
This Petition shall be filed with the Office of Zoning Administration & Development Management.
The state of the s
The undersigned legal owner(s) of the manufacture o
The property situate in Baltimore County and which is described in the standard in the standar
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 402.1 To allow a 70' width at front building line in lieu of the required 80' width and to allow a 14'6" side yard setback in lieu of the required 15' for a deplet write.
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side yard setback in lieu of the required 15 for a duplex unit.
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* and for a side yard sum of 29.81 in lies if the required 35!
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of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty). The Petitioners purchased the property as a duplex unit on November 25, 1991 only later to learn of a zoning violation. 2. Absent the granting of this variance, the Petitioners would unreasonably be denied the reasonable use of the property and conformance under excisting conditions would be unreasonably burdensome. 3. The granting of this variance would not result in injury to the public health, safety

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do sciemnly declare and affirm, under the penalties of perjury, that I/we an legal owner(s) of the property which is the subject of this Petition. Legal Owner(s)
JOHN VILLANDVA
Signature Villanorus
CARCLE VILLANDA (Type Offint Name)
Carale M Villanna
208 Slade Avenue 653-2086
Artrans
Phone No Phone No Phone No
City State Zipcode Name, Address and phone number of legal owner, contract purchaser or represent to be contacted.
Name
Address Phone No.
ESTIMATED LENGTH OF HEARING
the following dates Next Two Months

October 28, 1992

ZONING DESCRIPTION FOR 208 SLADE AVENUE

Beginning at a point on the northwest side of Slade Avenue, which is 40 feet wide, at a distance of 67.5 feet northeasterly of the centerline of Ralston Avenue, which is 35 feet wide. Being Lot Nos. 61, 62 and 63 in the subdivision of East Sudbrook Park as recorded at Baltimore County Plat Book No. 3, folio 193, containing 0.278 acres of land, more or less. Also known as 208 Slade Avenue and located in the Third Election District.



SOMMO DEPARTMENT OF BALTIMORE COUNTY 93 -154- A Torres, Haryland

Location of Property: N/S Stade les (208), 12.5' E/ Pols ton 17. Location of Page Foring You July, On fra forty of fish liver.	District	Varienco	Date of Posting 1/27/92
Location of State Focing You Lavay, On foo forly of Salitainter.	Posted for:	Talan & Conta	a lilla esta
Remarks:	Petitioner: . Location of (Ms Stade	1-1 (208) , 67.5' F/ Pols too 14
Remarks:	Location of	FOCITIO YOU LAWY	On so don't d lestitioner
Romarks:			
	Romarks:	MARlealy	Date of return: 15/4/92-
	Number of	ligno:	

CERTIFICATE OF PUBLICATION

Variance to allow a 70 feet width at front building line in lieu of the required 80 feet width; and to allow a 14 feet, 6 inch elde yeard settack in lieu of the required 15 feet and for a side yeard sum of 29.81 feet in lieu of the required 35 feet for a duplex unit.

TOWSON, MD., 11/24, 1992 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 1124, 1992.

Baltimore County Government Office of Zoning Administration and Development Management

December 4, 1992

(410) 887-3353

RE: Case No. 93-154-A, Item No. 156 Petitioner: John Villanova, et ux Petition for Variance

Dear Mr. Marino:

609 Bosley Avenue

Towson, MD 21204

Michael E. Marino, Esquire

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

recompl Zoning Administration & Development Management 111 West Chesapouke Avenue Tonson, Manyland 21204 Account: R-001-6150 Hem Wb H9200 56 10730790 THEO IS HEAR THAT SEEDS FEREN OVO WHITEH MORE HELD CORD FUTAL: \$50,00 LASS MADE THE CHINERY STREAMERS 04A04#0009M1CPRC \$50.00 Please Make Checks Payable To: Baltimore County

Zoning Administration & **Develo**pment Management 111 West Chesopeake Avenue ow.ou, Maryland 21204

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Baltimore County Government

Office of Zoning Administration

and Development Management

Your petition has been received and accepted for filing this

2nd day of November 1992.

Petitioner: John Villanova, et ux

Petitioner's Attorney: Michael E. Marino

8A COL9:07AM12-21-92

Account: R-001-6150

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DATE: 12-9-92

John and Carole Villanova 208 Slade Avenue Baltimore, Maryland 21208

CASE MUMBER: 93-154-A (Item 156) M/S Slade Avenue, 67.5' E of c/l Ralston Avenue 208 Slade Avenue 3rd Election District - 2nd Councilmanic Petitioner(s): John Villanova and Carole Villanova HEARING: TUESDAY, DECEMBER 15, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 83.88 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONTING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY ONTIL THE DAY OF THE HEARING.

Please forward your check via return sail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Project Name

Waiver Number

Charles L. and Maureen Lamoreaux

John and Caole Villanova

Keys Development Corporation

Steven J. and Beverly A. Timchula

Steven M And Deborah S. Faulkner

Ralph L. and Elsie M. Hackler

Stephen F. and Christopher S. Jencks

State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

(410) 887-3353

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building

111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Dand 1 Ramy 11/10/12



ZONING OFFICE

Teletypewriter for Impaired Hearing or Speech
383-7555 Baitimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baitimore, Maryland 21203-0717

(410) 887-3353

DPW/Developers Engineering Division (Public Services) Development Review Committee Response Form Authorized signature File Number DED DEPRM RP STP TE DED DEPRM RP STP TE

Printed on Recycled Paper

111 West Chesapeake Avenue

Towson, MD 21204

Residuary T. of Milton Schwaber - Carroll Independent Fuel DED DEPRM RP STP TE

Jean Romadka

Theresa Rykaczewski

DED DEPRIN RP STP TE

11/23/92

Comment

Comment

NC

NC

NG

Meeting Date

11-16-92 NC

Date ///23/92

Zoning Issue

208 Slade Avenue 3rd Election District - 2nd Councilsonic

Petitioner(s): John Villanova and Carole Villanova HEARING: TUESDAY, DECEMBER 15, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse. Variance to allow a 70 foot width at front building line in lieu of the required 80 foot width; and to allow a 14 foot, 6 inch side yard setback in lieu of the required 15 feet and for a side yard sum of 29.81 feet in lieu of the required 35 feet for a duplex unit.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

NOTICE OF HEARING

The Zoning Commissioner of Bultimore County, by authority of the Zoning Act and Regulations of Bultimore

Room 106 of the County Office Building, 111 M. Chasepsake Avenue in Towen, Maryland 21204

County will hold a public bearing on the property identified berein in

atom 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows

Baltimore County

CASE NUMBER: 93-154-A (Item 156)

N/S Slade Avenue, 67.5' E of c/l Ralston Avenue

111 West Chesapeake Avenue

HOVENBER 13, 1992

Towson, MD 21204

cc: John and Carole Villanova Richael E. Marino, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMIDATIONS PLEASE CALL 887-3353.



Maryland Department of Transportation

Baltimore County Item No.: \$ 156 (LJ6)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:	Arnold Jablon, Director
	Zoning Administration and

Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

Petitions from Zoning Advisory Committee (November 16, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Charles and Maureen Lamoreaux, Item No. 148 John and Carole Villanova, Item No. 156 Steven and Beverly Timchula, Item 158 Theresa Rykaczewski, Item No. 161 Jean Romadka, Item No. 162

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EMcD/FM:rdn

148/568.61/ZAC1

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

March 2, 1993

(410) 887-4386

Colonel J. Albert M. Lettre' 206 Slade Avenue Pikesville, Maryland 21208-4922

cc: ZADAM (File Management)

RE: PETITION FOR ZONING VARIANCE N/S Slade Avenue, 67.5' E of the c/l of Ralston Avenue (208 Slade Avenue) 3rd Election District - 2nd Councilmanic District

John and Carole Villanova - Petitioners Case No. 93-154-A

Dear Col. Lettre':

In response to your letter dated February 20, 1993 concerning the above-captioned matter, specifically, the requirements of Restriction No. 4 of the Order issued December 29, 1992, the following comments are offered.

As noted in your letter, Restriction No. 4 required that a copy of the Order be recorded in the Land Records of Baltimore County and that a copy of the recorded Order be forwarded to the Zoning Administration and Development Management office (ZADM) for inclusion in the case file. Since ZADM maintains all case files, a copy of this letter is being forwarded to that agency to request that they notify you upon receipt of the copy of the recorded Order. In the event said documentation is submitted to this Office, we will forward same to ZADM for inclusion in the case file and notify you accordingly. For your information, it is my understanding that, as of this date, ZADM has not yet received the required copy of the recorded Order.

Should you have any further questions on the subject, please feel free to contact ZADM at 887-3391.

Very truly yours,

TIMOTHY' M. KOTROCO for Baltimore County

Deputy Zoning Commissioner

Date 11/2/12 Meeting Date 11-16-92 DED DEPRM RP STP TE ****************** Stephen F. and Christopher S. Jencks DED DEPRM RP STP TE John and Caole Villanova Keys Development Corporation Steven J. and Beverly A. Timchula DED DEPRM RP STP TE Steven M And Deborah S. Faulkner Ralph L. and Elsie M. Hackler v/·-Theresa Rykaczewski Jean Romadka DED DEPRM RP STP TE Residuary T. of Milton Schwaber - Carroll Independent Fuel DED DEPRM RP STP TE 2000年1000年100日 1000年100日 1000年100日 1000年10日 100

> **Baltimore County Government** Zoning Commissioner
> Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

August 6, 1993

(410) 887-4386

11/23/92

Colonel J. Albert M. Lettre' 206 Slade Avenue Pikesville, Maryland 21208-4922

RE: PETITION FOR ZONING VARIANCE N/S Slade Avenue, 67.5' E of the c/l of Ralston Avenue (208 Slade Avenue) 3rd Election District - 2nd Councilmanic District John and Carole Villanova - Petitioners

Dear Col. Lettre':

Case No. 93-154-A

In response to your recent telephone inquiries concerning the recording of the Order issued in the above-captioned matter in the Land Records of Baltimore County, enclosed please find a copy of a Declaration affirming the recordation of said Order and the validation thereof by the Clerk of the Circuit Court. By copy of this letter, a copy of the validated Declaration and Order are being forwarded to the Zoning Administration and Development Management office (ZADM) for inclusion in the case file. It should be noted that the said validated Declaration and Order meet the requirements of Restriction No. 4 of the Order issued in this matter on December 29, 1992.

Should you have any further questions on the subject, please do not hesitate to contact this office.

> buthy Kotroco TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Very truly yours,

TMK:bjs

cc: ZADAM (File Management)

IN PROCESS E TNUOD Perry Hall Square Partnership 10-26-92 Colleen M Kelly and Gary L. Pitts DEPRM RP COUNT 2 Charles L. and Maureen Lamoreaux DED DEPRM RP STP TE 11-16-92 NO COMMENTS cephen F. and Christopher S. Jencks PDED DEPRH RP STP TE John and Caole Villanova DED DEPRM RP STP TE NO COMMENTS

> LAW OFFICES LEVY & MARINO, P.A. 609 BOSLEY AVENUE TOWSON, MARYLAND 21204 ____

Department of Environmental Protection & Resource Management

Development Review Committee Response Form

Authorized signature

Date 11-24-72

VI COMPLETE SEED OF CHARLES OF CH

DEPRM RP

Zoning Issue

Waiver Number

Satyr Limited Partnership

COUNT 2

Cheryl Cronin

DEPRM RP

DEPRM RP

Wiseburg United Methodist Church

John Henry and Elaine Eleanor Baker

(410) 821-6633 FAX (410) 296-0057



June 23, 1993

Timothy M. Kotroco Deputy Zoning Commissioner for Baltimore County Suite 113, Courthouse 400 Washington Ave. Towson, Maryland 21204

> RE: Petition for Zoning Variance Northside Slade Ave (208 Slade Avenue) John Villanova, et aux Petitioner Case No.: 93-154-A

Dear Mr. Kotroco:

Enclosed please find a photocopy of the Declaration which was recorded among the Land Records of Baltimore County pursuant to your Order dated December 29, 1992.

As of this date I do not have a recording reference nor, obviously, has the original document been recorded to us from the Record Office. Once the document has been returned to us we will furnish you with a copy which shows the Liber and Folio reference.

Should there be any questions please do not hesitate to contact us.

> Very truly yours, Myke llaro Michael B. Marino

MEM/rac 9331rac Enclosure Baltimore County Government



700 East Joppa Road Suite 901 Towson, MD 21204-5500

11/23/92

Meeting Date

10-13-92

NO COMMENTS

NOVEMBER 17, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: JOHN VILLANOVA AND CAROLE VILLANOVA

#208 SLADE AVENUE

Item No.: 156 (LJG) Zoning Agenda: NOVEMBER 16, 1992 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Planning Group Noted and Approved Fire Prevention Bureau Special Inspection Division

JP/KEK

DECLARATION

THIS DECLARATION, made as of this 29th day of January, 1993, by JOHN VILLANOVA and CAROLE M. VILLANOVA, hereinafter "Declarants".

Recitals

- A. WHEREAS, Declarants are the owners of all that property in Baltimore County, State of Maryland, commonly known as 208 Slade Avenue, and being known and designated as Lot Nos. 61, 62 and 63 on the Plat of East Sudbrook Park, which plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 3, folio 193 (the "Property"). The Property is more fully described in a deed dated November 25, 1991 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8994, folio 23.
- B. WHEREAS, the Property is the subject of an order issued by the Deputy Zoning Commissioner for Baltimore County dated December 29, 1992 (the "Order").
- C. WHEREAS, numbered paragraph 4 of the Order requires that said Order be recorded in the Land Records of Baltimore County.

NOW THEREFORE, in consideration of the terms of the Order, the Declarants hereby subject the Property to the following covenants:

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:			Deputy Zoning Commiss for Baltimore Count Suite 113, Court Hous 400 Washington Avenue Towson, Maryland 2120	ty se e	(Check box(es) for item(s) to be indexed in land records) 2 Grantor(s) (check box(es) for item(s) to be indexed in land records)
On this A day of June, 1993, before me, the undersigned officer, personally appeared John Villanova, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.			John Villar Case Number	or Zoning Variance Slade Avenue (208 Slade Avenue) nova, et aux Petitioners r: 93-154-A	Transferred From CAEULE M. Owner of rec To Grantee(s) (check To
In witness whereof, I hereunto set my hand and official seal.			Dear Mr. Kotroco: Enclosed please	find a photocopy of the Declara	4 Type Deed A of Deed of Trust C
seal.			concerning the above reference of Liber SM	#=CADE10000	cding 5 Exemptions Baltimore County Exempt States
My Commission Expires: 7-3-95 CITY STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT: On this day of June, 1993, before me, the undersigned officer, personally appeared Carole M. Villanova, known to me (or satisfactorily proven) to be the			MEM/rac 9515rac	Very truly yours, Michael E. Marino	(Cite authority or explain briefly) 6 Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416 Cite authority or explain briefly Recordation Tax Exempt Status Claimed: Consideration Purchase Price/Consideration (including any new mortgage) \$ Real Property Personal Property Balance of Assumed Mortgage Other Total Consideration or Assessed Factor Recordation Tax Exempt Status Consideration Consideration (including any new mortgage) Cother Total Consideration or Assessed Factor Recordation Tax Exempt Status Consideration Purchase Price/Consideration (including any new mortgage) Cother Total Consideration State Exempt Status Claimed: Consideration (including any new mortgage) Cother Total Consideration State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideration (including any new mortgage) State Exempt Status Claimed: Consideratio
person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.			Enclosure	ZONING COMMISSIONER	Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650 Contact/Mail Information Recording Charges State Transfer Tax County Recordation Tax Surcharge Other Total Instrument Prepared By Name: Micimal E. Ma Firm: LEVY & MARINA Address: Gof Bosley Re Tousim May Zizz Phone: Bii-Gu33
9165lrb06/01/93 2	9165lrb06/01/93	3			Certification Certification 10 Assessment Information (410) 321-2299 Thereby certify under the penalties of and belief. Signature: WHORTANT: BOTH THE OR Yes No Will grantee be for a property convolution is property convolution.
	PLEASE PRINT CLEARLY PETITIONER(S) S NAME AUIDS THACER	ADDRESS 7/15 AMBASSADORRD 2/24			Terminal Verification Agricultural ass Yes No Partial conveyance List improvement List improvement Space Per No Partial conveyance If subdivision occ Adelay in p property des additional pi Yes No Was property sur Complete description of property conveyance Information Yes No Was property sur Complete description of property conveyance Information Yes No Partial conveyance It subdivision occ additional property des additional property conveyance Information Yes No Was property sur Complete description of property conveyance It subdivision occ additional property des additional property conveyance Information Yes No Was property sur Complete description of property conveyance It subdivision occ additional property des additional property conveyance Information Yes No Was property sur Complete description of property conveyance It subdivision occ additional property des additional property conveyance Information Yes No Was property sur Complete description of property conveyance Information Terminal Verification Agricultural Verification
	MICHAELMARINO JOHN VILLANOVA	208 SCIDE AUT	4		Tran. Process Verification Whole I Desc. Distribution Wrote Clerk's Office 1 Canary - Office
TO DEFTY Z.C. 93-154-A 4/16/92	KING CAROLE VILLABUA	11	JOSEPH ALBERT MAJORIQUE LI Colonel, Army of the United States, I	2.00	
WE DISCUSSED THIS ON 4/13 AND YOU ASKED			Brigadier General, Maryland Defense Fo	orce, Retired 4 188	
THIS FILE BE FORE WARDED TO YOU FOR A RESPONSE			Pil	6 Slade Avenue kesville, MD 21208-4922 December 1992	
TO MR. LETTRE. HIS ADDRESS ISON A LTR. DATED DEC. 6, 1992. PHONE # 15 486-6124. HIS QUESTIONS WERE:			Zoning Commissioner, Baltimore County 400 Washington Avenue, Room 113 Towson, Maryland 21204	9 199 2	
THOM YOU DATED 3/2/93 BEEN 124- INCLUDED IN THE FILE			1 % L	ING COMMISSIONER	goo bet in basement
(I CAN'T LOCATE THEM IN THE NACKET.) (I) LOWER WHAT TIME FRAME BESTRICTION IS APPLICABLE			Reference is made to Case 93-154A recently : Tuesday, December 15, 1992. (A date on which I major medical appointment.)	set for a hearing on have a long standing	plumbing
TO RESTRICTION # 4 3 WHAT ADMINISTRATIVE MECHANISM IS IN PLACE TO			The property at 206 Slade Avenue has been my years, and it is my hope that it will continue to home for a long time to come. A single family dimeasures 100 feet wide and 180 feet deep and it 208 Slade Avenue, the duplex unit in question. are no other duplex units on Slade Avenue.	o be my retirement welling, the property is continuous to	MLS# (BC) 41186 * * A C T I V E * 208 SLADE AVE ZIP: 21208 MA PIKESVILLE GR.CA
SEE TO THE ENFORCEMENT OF THE ORDER. AND RESTRICTION.			The motivation for this letter is to sustain codes and maintain neighborhood integrity. In confurther reference is made to the letter from the Association, Inc. to your office dated September mation copy is inclosed for your review.	onnection with this, Ralston Community	DESCRIPTION: CAPE COD 2 LEVELS I 35 YRS OLD BRICK HOME A LOT SIZE : .33 ACRES 175X70 22ONE H R O O M S : LR : 18X14 DR : 13X12 H MB : 15X13/1 BR2: 13X11/1 E ONE BEDROOM APT. 2ND FL
			After reading the posted Zoning Notice, I to immediate neighbors and explained what I learned Morrison of the Ralston Community Association. It an information copy of above mentioned letter. So dents are younger and some are older, but we all cerned with population density, multiplication of adequate or suitable parking, especially off strevalues. They have read this letter as well as the and as indicated by their signatures, indorse and	from President Marvin He furnished me with Some of these resi- are naturally con- f motor vehicles, eet, and property e R.C.A., Inc. letter.	FLOOR PLAN; FORMAL LR ENTRY HALL F BREAKFST BAR PANTRY APPLIANCES: GAS RANGE SELF-CL OVEN A DISPOSAL AMENITIES: MOOD FLOORS NO MAX KITCH E SOME DRAPES EX LGT FXTRS E FAN ON RANGE UPDATD PLUMB LOWER LEVEL: FULL, IMPROVE LAUNDRY FLUSH HEAT > >: FUEL-GAS HEAT-HWBB A

tions outlined therein.

taining the required permits, etc.

Please keep in mind that the R.C.A., Inc. learned of this situation only after the property at 208 Slade Avenue had been advertised

violation only after the belated Zoning Notice was posted. The previous

he was knowledgeable about real estate matters, and that his experience

would only allow him to proceed with his conversion project after ob-

and sold as a duplex unit. The neighbors learned of the zoning

owner made the alteration to this single family residence while we

were traveling away from home and explained, when the final stages

were noticed, that he was remodeling his kitchen. He implied that

In witness whereof, I hereunto set my hand and official

My Commission Expires: 7-3-95

1. The terms of the Order are incorporated in this

Declaration and a copy of the Order is attached hereto as

Exhibit A.

WITNESS:

LIBER 9837 PAGE 304

RC F 34.00 BECLAR 2.00 SM CLERK 36.00 #62443 CVC= V1 7.755

ZONINE VORINCE

Transfer Tax Consideration

County Taxes to be Paid

x 169 = 5

Office of Finance Use Only

Ag Tax/Other

Special Recording Instructions (if any)

Baltimore County, Maryland Land Instrument Intake Sheet (Type or print in black ink only—all copies must be legible) In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as § amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Frax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

Property Tax ID No. | K.Lot/Block | Map/Grid/Parcel No. Lot Acreage Prior Deed Ref. A Address (or description if partial conveyance) LADE AVENUE r(s) (| check box if additional sheets are attached)

SILLANOVA M. VILLANGUA
Owner of record (if different from grantor) (s) (check box if additional sheets are attached)

JICCA NOVA DLE M. VILLANUA Assignment of Mtg/DOT Financing Statement Contract
Land Installment Cont.

DECLARATION Power of Attorney

empt Status Claimed: empt Status Claimed: Claimed: nsideration Amount **deration** ation \$

ortgage 0 ecordation Fees

repared By Return Instrument To Mailing Address for Tax Bill

L. E. HARING Name: MICHAEL E. MARING Name: JOHN VILLANI

1 201. 5 M VILLANI

1 201.

Address: 609 Busiey Au CARULE M VILL MULT Address: ZOS SCADE ALE Zizy TOWSON MD ZIZOY BAIR MD ZIZOS te penalties of perjury that the information given above is true to the best of my personal knowledge She TH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER I grantee be living at property conveyed?

grantor currently receiving a homeowners' tax credit? property conveyed subject to agricultural transfer tax? If yes, enter amount: gricultural assessment on conveyance is to continue, have you attached a letter of intent? ial conveyance? If yes, amount of acreage transferred: improvements conveyed: abdivision occurred after July 1, indicate former property tax ID number:

A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time. s property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage : property conveyed (subdivision, lot, block, section, plat ref., acreage):

Assessment Use Only - Do Not Write Below This Line Deed Reference

PETITIONER'S

-1- RESIDENTIA. LIST: \$117,500 08 MAP: BC25F12 GR.CAP: GROUND RENT : \$1 DETACHED 5 BEDROOMS 2/1 BATHS DME ASPH SH ROOF 220NE HEAT 2PHONE LINES X12 KIT: 14X09 X11/1 BR3: 13X13/1 BR4: 17X17/2 EAT IN KITCH MODERN KIT OVEN HABHER KITCH EX MR CARPET EX CURTE ROD EX IRT SHITE FXTRS BUILT-ING ... LAW APT INCL 1+ APT UTILITY RM OUTSIDE ENTO HORKSHOP HW88 WINDOW A/C CEILING FANS ATTIC FANS HDE SCREENS EX RPLC HNWS EX STORM DRS ATTIC INSUL AMNINGS S I T E > >: PATID STORAGE SHED EXT LIGHTING DRIVEWAY PORCH OFF-ST PARK INSIDE LOT ': DEAD !END ST TREE STUDDED PART FENCED LEVEL LOT LANDSCAPED U T I L > >: PUBLIC WATER PUBLIC SEWER PUBLIC GAS' CABLE TV 220V SERVICE D E E D > >: LIBER: 6812 FOLIO: 288 DATE OF DEED:84/11 ANNUAL FEES: TX: \$1,206 G&E : \$150 FINANCE > >: LOAN=PRIVATE PRIVATE DIRECTIONS : REISTERSTOWN RD TO LEFT ON MILFORD TO SLADE CERAMIC KIT FLR. REMARKS > >: NEWLY REDONE GORGEOUS KIT.EXCL.LIVRK BUILT INS NEWLY DONE : CARPET HOME IS A SHOWPLACE TRACK LITES MIRRORED CLOSET DOORS DEN OFF LR

LAW OFFICES LEVY & MARINO, P.A.

600 BOSLEY AVENUE

TOWSON, MARYLAND 21204

(410) 891-6633

FAX (410) 296-0057

Mr. Timothy M. Kotroco

July 29, 1993

EXCLUDED >: REFRIGERATOR MICROWAVE

S H O W > >: LA MUST ACCM POSS: 30-60 NOTE> >: SIGN POSTED THE BREKER OR CHALS &









